

OPEN MEETING AGENDA ITEM



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COMMISSIONERS
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ORIGINAL



Chief Administrative Law Judge

ARIZONA CORPORATION COMMISSION

November 30, 2010

TO: ALL PARTIES OF RECORD

RE: IN THE MATTER OF THE APPLICATION OF ARIZONA WATER COMPANY TO
EXTEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY IN CASA
GRANDE, PINAL COUNTY, ARIZONA. - DOCKET NO. W-01445A-03-0559 -
ORDER ON REMAND FROM DECISION NO. 69722.

On November 29, 2010, the above Recommended Order that was docketed and mailed to all parties of record was inadvertently missing page 34 of the Order. Enclosed please find page 34 of the Order. The original Recommended Order will reflect this change.

The deadline for filing exceptions remains unchanged

Sincerely,

Debbi Person
Administrative Services Officer I

Arizona Corporation Commission

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1 justification for deletion. In dismissing an assertion by the Commission that deletion was proper
2 because a CC&N had been granted "before there was 'public need and necessity for that certificate,'"
3 the court stated, "[t]hough this may help to explain the Commission's treatment of this case, it does
4 not justify the Commission's decision [to delete the CC&N]." *Id.* at 429, fn. 3, 671 P.2d at 407.
5 Regarding Cornman's argument that

6 159. Regarding Cornman's argument that the Commission prefers integrated water and
7 wastewater systems over stand-alone water utilities, that issue is one that may have been appropriate
8 to consider in initial CC&N applications by competing companies. Additionally, we note that there
9 are numerous stand-alone water providers throughout the state, including multiple systems served by
10 Arizona Water, and the record demonstrates that the CC&N extension granted to Arizona Water in
11 this proceeding would provide the additional benefit of enabling it to connect two separate water
12 systems that are in close proximity to one another.

13 160. Cornman does not contend that Arizona Water is not fit and proper to hold a CC&N;
14 only that Cornman does not wish to have its property served by Arizona Water. Having considered
15 all the testimony and evidence presented, we find no evidence that Arizona Water is unwilling or
16 unable to serve the property at a reasonable cost to customers. Therefore, Cornman is precluded from
17 having its property removed from the unconditional CC&N granted in Decision No. 69722.

18 CONCLUSIONS OF LAW

19 1. Arizona Water Company is a public service corporation within the meaning of Article
20 XV of the Arizona Constitution and A.R.S. § 40-281 *et seq.*

21 2. The Commission has jurisdiction over Arizona Water Company and the subject matter
22 of this proceeding.

23 3. As established in Decision Nos. 66893 and 69722, Arizona Water Company is a fit
24 and proper entity to provide water utility service to the extension area.

25 4. The record in this matter was reopened pursuant to A.R.S. § 40-252, and remanded to
26 the Hearing Division for additional hearings and recommendation, by Decision No. 69722.